

V. REMARKS

Claims 12, 14-16, 18, 20, 22-24, 26 and 27 are pending in the application. By this Amendment, claims 12 and 16 are amended and claims 13, 17, 19, 21 and 25 are canceled without prejudice or disclaimer. The features of claim 13 are incorporated into claim 12 and the features of claim 17 are incorporated into claim 16.

Entry of the Amendment is proper under 37 C.F.R. §1.116 because the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not raise any new issue requiring further search and/or consideration because the Amendment amplifies issues previously discussed throughout prosecution; and c) places the application in better form for appeal, should an Appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. The amendments to the subject claims do not incorporate any new subject matter into the claims. Thus, entry of the Amendment is respectfully requested.

No new matter has been added by this Amendment.

Claims 12-19 are rejected under 35 USC 103 (a) as being unpatentable over Ikeda et al. (U.S. Patent No. 4,764,091) in view of Miyaoh (U.S. Patent No. 5,988,651). Claims 20-27 are rejected under 35 USC 103 (a) as being unpatentable over Ikeda in view of Miyaoh as applied to their respective parent claims and further in view of Murakami et al. (U.S. Patent Application Publication No. 2001/0019698). The rejections are respectfully traversed.

The Examiner states in her Office Action that "Miyaoh is directed to a gasket," and that "in particular, in Fig. 2, Miyaoh teaches a gasket having a raised portion (A10) surrounding a sealed portion (Hw) wherein the right end of the raised portion (A10) and a base surface (A10a) are not set on a single plane, the raised portion includes a flat surface (A10) and an inclined surface (roughly, A13) with a predetermined angle of

inclination which links the flat surface (A10) with the base surface (A10a) and an outer (left) edge of the flat surface does not have a shape similar to the shape of an inner edge (as shown in Figs. 1 and 2).” Further the Examiner States that “since the gasket (A10) as shown in Fig. 1 is a single continuous piece, the rectangular edges of the gasket may in one sense be considered the outer edge of the flat surface,” and that, “as shown in Fig. 2, the inner edge of the flat surface cuts off for the hole (Hw), whereas the outer edge blends into the inclined surface (A13), which is also a sufficient dissimilarity of shape to meet the limitations of claim 1.”

Claim 12 as amended recites “a raised portion rising so as to surround the cylinder bore,” and “said raised portion includes a flat surface positioned at a point with a height differing from the height of said base surface and an inclined surface with a predetermined angle of inclination, which is connected to said flat surface with said base surface.” These elements are not disclosed or suggested by Miaoh. The hole (Hw) of Miaoh is a water hole which is different from a cylinder bore hole (Hc).

Claims 12 and 16 also recites that “an outer edge of said flat surface and said inner edge are other than circular and different in shape.” On the other hand, Fig. 2 of Miaoh, which is a cross sectional view at line 2-2 of Fig. 1, shows an inner edge of the water hole Hw at the flat surface (A10 shown with an arrow). The hole Hw is circular (see Fig. 1). The outer edge of the bead is shown with a broken line A13 in Fig. 1, which is also circular. Thus the inner edge and outer edge is the same shape, namely, a circle. Miaoh does not teach or suggest that the outer edge of said flat surface and said inner edge are other than circular and different in shape.

Additionally, as to claim 16, there is no disclosure or suggestion as to the recitation of “said inclined surface is disposed so as to come in contact with said high/low pressure barrier wall or said atmospheric pressure barrier wall.”

It is respectfully submitted that that none of the applied art, alone or in combination, teaches or suggests the features of claimed invention as discussed above. Thus, it is respectfully submitted that one of ordinary skill in the art could not

combine the features of the applied art to arrive at the claimed invention because the applied art is devoid of all the features of the claimed invention. As a result, it is respectfully submitted that the pending claims are allowable over the applied art.

Withdrawal of the rejection is respectfully requested.

It is respectfully submitted that the pending claims are believed to be in condition for allowance over the prior art of record. Therefore, this Amendment is believed to be a complete response to the outstanding Office Action. Further, Applicants assert that there are also reasons other than those set forth above why the pending claims are patentable. Applicants hereby reserve the right to set forth further arguments and remarks supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the

Application No.: 10/540,578

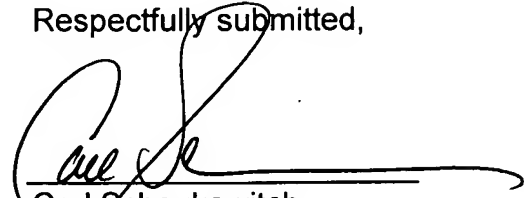
OHK-0008
(80365-0008)

Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

Date: December 1, 2008

By:


Carl Schaukowitch
Reg. No. 29,211

RADER, FISHMAN & GRAUER PLLC
1233 20th Street, N.W. Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751
Customer No. 23353

Enclosure(s): Amendment Transmittal

DC334368.DOC